



Promoting the wise use of land

**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**SUBDIVISION REVIEW BOARD**

MEETING DATE June 6, 2016	CONTACT/PHONE James Caruso (805)781-5702 <a href="mailto:jcaruso@co.slo.ca.us">jcaruso@co.slo.ca.us</a>	APPLICANT John Bunyea	FILE NO. CO 15-0027 SUB2015-00012
SUBJECT A request by <b>JOHN BUNYEA</b> for a Vesting Tentative Parcel Map (CO 15-0027) to subdivide an existing +/- 115 acre parcel into 2 parcels of 28.18 acres and 86.73 acres. One single family residence is located on each proposed parcel. No new construction or land disturbance is proposed at this time. A building envelope is shown on proposed Parcel 1 which would be the location of a second dwelling on Parcel 1. No secondary residence is proposed for Parcel 2 and no off site road improvements are required. The project is within the Rural Lands land use category and is located on the east side of Adobe Canyon Rd, approximately 1000 feet north of Rocky Canyon Rd (3393 Adobe Canyon Rd). The site is in the El Pomar subarea of the North County planning area.			
RECOMMENDED ACTION 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Approve Vesting Tentative Parcel Map CO 15-0024 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on May 12, 2016 for this project. No mitigation measures are proposed.			
LAND USE CATEGORY Rural Lands	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 034-441-021	SUPERVISOR DISTRICT(S): 5
PLANNING AREA STANDARDS: 22.96.040 – El Pomar Area Standards			
LAND USE ORDINANCE STANDARDS: Section 21.03.010 – Design Criteria – Factors to be considered Section 21.09.010 – Quimby Fees Section 22.12.080 – Inclusionary Housing Fee Section 22.22.050 – Minimum Parcel Size – Rural Lands land use category			
EXISTING USES: Two Residences, accessory structures			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/Residences <i>East:</i> Rural Lands/Residences <i>South:</i> Rural Lands/Residences <i>West:</i> Agriculture/Residences			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, CalFire, City of Atascadero	
TOPOGRAPHY: Gently to very steeply sloping	VEGETATION: Grasses, ornamentals some scattered oaks and native and non-native vegetation
PROPOSED SERVICES: Water supply: Individual/Shared wells Sewage Disposal: Individual septic system Fire Protection: CalFire	ACCEPTANCE DATE:  December 19, 2015

## ORDINANCE COMPLIANCE

### *Quimby Fees*

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

### *Inclusionary Housing Fees*

Inclusionary housing standards created under Ordinance 3169 (establishing Land Use Ordinance section 22.12.080) and Ordinance 3171 (establishing Title 29 of the County Code) were adopted by the Board of Supervisors on December 9, 2008. These ordinances are effective as of January 8, 2009. This project is not subject to the adopted ordinance because it involves construction of less than two primary dwelling units (one additional primary and two guesthouses could be built with this project).

### *Minimum Parcel Size*

Section 22.22.050 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Rural land use category. The standards are based on the topography of the site, remoteness, access and fire response time. Minimum parcel size is based on the largest parcel size as calculated by tests. Proposed parcel 1 must be a minimum of 80 acres and proposed parcel 2 must be a minimum of 20 acres. Both proposed parcels meet the minimum parcel size requirements of the Rural Lands category as follows:

TEST	STANDARD	MINIMUM PARCEL SIZE
Slope	Parcel 1: over 30% (40%) Parcel 2: under 30% (27.7%)	80 acres 20 acres
Remoteness	Less than 5 miles from an Urban Reserve Line (2 road miles from Atascadero)	20 acres
Access	On a 40' wide right of way	20 acres
Fire Response Time	15 minutes or less in a High Fire Hazard	20 acres

### *Design Standards*

The proposed parcels must be found consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance.

The proposed parcel configuration can be described as irregular. Proposed parcel 2 is configured in order to keep average slope under 30% by including less steep portions of the site on the proposed parcel. Proposed parcel 1 can be steeper due to its larger proposed size (86 acres).



The parcel design requirements are:

- c. Parcel and site design. The design of the subdivision shall comply with all land use regulations and general plan standards and requirements in effect in the area of the proposed subdivision and shall be based upon the following principles and policies:

- (1) The size and configuration of parcels should be such as to encourage the efficient utilization of land and not deter or hinder the use of adjacent parcels, present or future. Where feasible, the use of clustering with open-space provisions shall be encouraged.

***Comments: Most of the site is steep which reduces how the land could be utilized. There are currently two home sites on the property with proposed parcel 1 at its development limit. Proposed parcel 2 has a building site on a flatter, easily accessible portion of the proposed parcel for a potential future secondary residence. The irregular parcel configuration has no effect on the use of adjacent parcels.***

- (2) Side parcel lines should be as close as practical to right angles to existing rights-of-way.

***Comments: Side property lines generally do not intersect with rights of way.***

- (3) The average depth of a parcel shall be no greater than three times the average width of a parcel. Under certain conditions, such as commercial areas, dead-end streets or unusual topographic conditions, the planning commission or subdivision review board may approve an adjustment to this requirement pursuant to Section 21.03.020 of this title.

***Comments: The 3:1 ratio is not an issue with the parcel configuration. Proposed parcel 2 is described as irregular and must be found to "...encourage the efficient utilization of land and not deter or hinder the use of adjacent parcels....".***

- (5) The resulting parcels shall achieve optimal utility as measured by:
- (i) Efficient use of land;
  - (ii) Minimizing site disruption in developing access drives and building pads with respect to cuts and fills and vegetation removal;
  - (iii) Ensuring that proposed parcels would not act to deter or hinder the use of the subject or adjacent parcels, present or future; and
  - (iv) Maintaining the character and parcel configuration pattern of the surrounding area.

***Comments: The project site is steep with small areas of lesser slope that have been developed. The proposed irregular parcel configuration will place one existing dwelling on each proposed parcel. Proposed parcel 2 will be at its ultimate development and no further development is allowed. Proposed parcel 1 will have a building site adjacent to Adobe Canyon Rd that requires no grading or widening of roads or driveways on steep slopes. No road improvements, grading on steep slopes or development on the hillside will occur with the proposed irregular configuration.***

***The existing residences on proposed parcels 1 and 2 are located at the end of a driveway. No further development is proposed at these locations and no grading, construction or site disturbance will occur in these locations. The building site for a secondary unit on proposed parcel 2 is located adjacent to Adobe Canyon Rd and will minimize the need for cut and fill slopes and vegetation removal.***

***The proposed parcels are at their ultimate size and development limit on the steeper hillside locations. A secondary residence is allowed in the building site on proposed parcel 2 adjacent to Adobe Canyon Rd. The proposed parcels and development locations will not deter or hinder the use of adjacent parcels.***

***The surrounding area consists of rural parcels generally ranging in size from 15 acres to 170 acres. The proposed parcel size is consistent with the surrounding area. The irregular configuration is consistent with the parcelization in the area. Parcels located to the south and southwest of the site are long rectangles with length to width ratios greater than 5:1.***

#### PLANNING AREA STANDARDS

##### Section 22.96.040 – El Pomar Area Standards

1. Standards A and B require archaeological reports and biological studies if a discretionary project is located within 100 feet of a blueline stream.  
*Comment: No development is proposed within 100 feet of a blueline stream*
2. Standard C provides for special standards for grading and vegetation removal.  
*Comment: No grading or vegetation removal is proposed as part of the project.*
3. Standard D requires that all lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.  
*Comment: Lighting conditions have been added to the proposed conditions of approval.*

4. Standard E requires applications be referred to the Cities of Paso Robles or Atascadero as indicated.

*Comment: The application was referred to the City of Atascadero. No response was received.*

As proposed, the project meets these standards.

## WATER

The site is located over the Paso Robles Groundwater Basin (main basin) and the Atascadero sub basin portion of the main basin. Existing wells pump from the shallower sub basin. Sites receiving water from the main basin are not dividable due to the main basin's Level of Severity 1 for water supply. However, existing development uses water from the sub basin, allowing the parcel to be subdivided. A condition has been added requiring future development and existing development to continue to use water from the sub basin.

## AGENCY REVIEW

**Public Works** – Recommends conditions for access and improvements consistent with CalFire requirements.

**Environmental Health** – Provide stocks for shared wells and on-site septic.

**County Parks** – Require Quimby fees

**CalFire** – CalFire states they have no concerns with road widths, response time, dead-end road lengths due to the placement of the building envelope at Adobe Canyon Rd and no further development on the steeper portions of the property.

**City of Atascadero** – No comments

## LEGAL LOT STATUS

The lot was legally created by a deed at a time when that was a legal method of creating lots.

Staff report prepared by James Caruso, Senior Planner  
and reviewed by Terry Wahler, Senior Planner